



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

**Barbara Landry Meeting Room
2 Main Street
Monday, April 11, 2016**

1. **Call to Order** -- Chairman Dwight Brew called the meeting to order at 6:32 p.m.

Attendees: Chairman Dwight Brew, Vice Chairman Reed Panasiti, Selectmen Nate Jensen, and Peter Lyon. Selectman Tom Grella was absent. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

2. **Pledge of Allegiance** – Conservation Commission Chairman, John Harvey, led the pledge.

3. **Citizens' Forum**

Chairman Brew asked if there was anyone in attendance for an issue other than Joshua's Park, a site for an Amherst community garden and playground. No one came forward. A number of citizens were in attendance to provide their opinion on site plans and approval process in the construction of Joshua's Park. Chairman Brew stated that the Select Board is not a land use board. If there is an appeal, it is to be considered by the town's Planning Board, Historic District Commission, or the Zoning Board of Adjustments. The Select Board's role is to accept or not accept a gift of Joshua's Park to the town and, prior to doing so, two public hearings will be held, scheduled at least ten days apart. The public hearings on the Joshua's Park matter will be held on May 9th and May 23rd.

Sally Wilkins, President of the Amherst Land Trust (ALT), read, in summary, a letter [*copy of letter is attached to these minutes*] to the Board of Selectmen in response to complaints taking exception to the practices and approval process by the Trustees of the ALT in undertaking the construction of Joshua's Park.

Mary Lefebvre of 38 Courthouse Road said that reference was made to one abutter; there are two abutters. She asked if the area was zoned residential.

Gordon Leedy said the area is zoned residential and is allowed "use" within the designated zoned area. Chairman Brew asked Mr. Leedy to confirm that he and Sally Wilkins had not participated in the review of the project. Mr. Leedy said that he and Ms. Wilkins recused themselves when the Planning Board took up the matter.

Steven Berube said his home is very close to the parking lot and it will have a negative effect on his property and privacy. He also indicated that a third abutter did not receive the abutters' letter informing them of public meetings and suggested that Board members visit the area to see for themselves how close the parking lot is to his property. Mr. Berube said the Planning Board approved the site plans without any conditions. It was determined to plant a barrier between the lot and his property but there were no details presented. Perhaps he and his neighbors were "naïve", he said, and did not realize they had 30 days to appeal. Mr. Berube asked that the project be re-opened and move the parking from right to left. He said he has two children and the parking lot is next to a road that is very busy. He urged the Select Board to not approve the project.

Sean Dowd said he has worked in town and lives on Courthouse Road and with this project, as with any other, neighbors should think about other neighbors. It is not just one household.

Scott Adams of 40 Courthouse Road, a neighbor abutter who donated the land for the park said he's heard a lot of talk about safety. He would love to have police on Courthouse Road enforce the speed limit. From a safety standpoint, it makes more sense to move forward as proposed. Mr. Adams said that to do otherwise would be placing the parking lot on top of the best soil that has been planted for the last 20 years, and moving the parking lot would create safety concerns that it does not have right now.

Ellen Grudzien said she has been involved with project as head of the Playground Committee to memorialize the memory of Joshua. Members and volunteers of ALT have worked more hours on more nights calling people for donations and she feels horrible that a group who has worked so hard has been smeared. She said the playground cannot be sent back, and she is not sure what would happen if "we were to delay this project". A number of people donated large amounts of money to see the park constructed.

Chairman Brew repeated that two public hearings will be held; one on May 9th and a second on May 23rd to take input on the acquisition of the property by the town. Chairman Brew said that what would happen if the town does not accept the gift is a question for the ALT.

Trish Berlack thanked everyone involved and said everyone wants to honor Joshua's memory and in no way was anyone trying to smear another but asked why abutters were not made aware of their right to appeal. She said she wants to support her neighbors, and feels the Berubes have received an inadequate response to their questions.

Bill Birchard, Chair of the Fundraising Committee, said monies have been raised from hundreds of members of the community, including a leadership pledge by the family of Joshua Savyon. Playmates of Joshua's, too, have worked hard to donate to the park project. Mr. Birchard said if anyone wants to appeal, they must appeal to the donors, not the ALT members who have no liability to spend the funds raised "as we want".

4. Updates

Chairman Brew indicated that prior to every Board meeting packets are prepared with backup information for Board member review. It's been suggested to these Board packets be provided electronically rather than hard-copy print. Selectman Jensen is piloting the idea. The matter will be on the next Board meeting agenda.

4.1. Finance Software

Lisa Ambrosio, Finance Director, provided an update on the Financial Software implementation. Items marked with an x indicate completion. A number of items included an estimated completion date and other items TBD. A schedule for full implementation of the Tax Department is needed. The A/P Electronic Approval Workflow and tweaks to Payroll will be resolved this week. Director Ambrosio will be meeting with Springbrook's project manager this coming Wednesday. Selectman Lyon asked if much of the remaining work was about training and whether relations with Springbrook had improved. Director Ambrosio said some is training; some is getting the foundation of software. Human Resources is still a skeleton; once inventory in for DPW then there will be training. Relations have improved. Executives are involved and the focus is there. More discussion needs to occur on the Payroll segment. Vice Chairman Panasiti asked how significant the issue of not having property tax on and running. Director Ambrosio said she'll be working with two systems. Selectman Jensen asked how much of the contract amount had been spent. Town Administrator O'Mara said he will have an answer at the next Board meeting. Chairman Brew pointed out that the property tax segment is less integral than A/P payroll and a few other segments.

4.2. Stormwater – No Update Provided

While Bruce Berry was in attendance, Chairman Brew took up Agenda Item 6.3 DPW Bid, Library Roof Replacement.

Town Administrator O'Mara said that Director of Public Works, Bruce Berry, put out a second bid for the replacement of the library roof. The first only garnered one response. The second bid was sent to seven companies; two responses were received. Selectman Jensen moved, second by Selectman Lyon, to award bid # 08-16, library roof, to the lowest bidder, Adam Vaillancourt Roofing, LLC of Lowell, MA at a cost of \$29,500 and to authorize Administrator O'Mara to execute related documents. Motion passed unanimously, 4-0.

4.3. Pipeline

Vice Chairman Panasiti referred to a letter that appeared in the Amherst Citizen that had a lot of incorrect statements and he felt it should be responded to because of the many inaccuracies. The Vice Chairman read the proposed letter:

“The Amherst Citizen recently ran a letter from a resident who had many incorrect facts concerning the Kinder Morgan pipeline through Amherst. As a member of the Board of Selectman (BOS) and the Pipeline Task Force (PTF) I do not think we want to get into the habit of responding to these individual letters. However, I will at this time clear up some major misunderstandings. Please note that all pipeline information written or discussed with our state, federal and Kinder Morgan representatives can be found on the Town's website. There is an entire page dedicated to pipeline issues, so please refer to our website for any and all pipeline information.

“The Amherst BOS filed as an intervening authority after the citizens of Amherst voted us permission to do so at the March 10, 2014 town elections. We were one of the first New Hampshire communities to do so.

“The BOS and the PTF had concerns about the KM pipeline in general but we had specific concerns that we shared with KM regarding their initial proposed route through Amherst. Five areas of concern were:

1. Proximity of the proposed pipeline to the Amherst Middle and Souhegan High Schools.
2. The proposed crossing of the Souhegan River four times.
3. The pipeline going through Ponemah Bog.
4. The pipeline crossing dead end streets.
5. The number of residential properties impacted.

“KM revised their original route based on these concerns and presented the revised route to the public and the task force in September 2015. The revised route eliminated the first four concerns and reduced the number of residential properties impacted from over 60 residents to six. We effectively reduced the route through Amherst from 4.1 miles to 2.8 miles.

“The BOS is still opposed to the KM pipeline but feel that the revised route that avoids the Amherst Schools, the Souhegan River, Ponemah Bog and crossing dead end streets and that minimizes the number of residential properties impacted is much better than the initial proposed route. The task force will continue to follow any and all future developments and we will take appropriate action as warranted.”

5. Board Goals Review – Board to review at its May 9th meeting.

6. Town Administrator

6.1. Deputy Health Officer Appointment

Town Administrator, Jim O’Mara, recommended the appointment of Stephen Brody as Deputy Health Officer. Vice Chairman Panasiti moved, second by Selectman Jensen, to appoint Stephen Brody as Amherst’s Deputy Health Officer. Motion passed unanimously, 4-0.

6.2. Fisk Trust Withdrawal – DPW

Administrator O’Mara proposed withdrawing funds from the David E. Fiske Trust which was bequeathed to the town “to be used in the improvement and maintenance of the public roads of said town” [Amherst]. Administrator O’Mara and Director Berry requests withdrawal of \$8,608.28, the fund balance income at the end of March 2016, for the purchase of a vehicle lift to maintain town vehicles that allow staff to maintain town roads. Selectman Jensen moved, second by Selectman Lyon, to request a withdrawal from the Trustees of the Trust in the amount of \$8,608.28 to be received as unanticipated revenue and authorize the expenditure of a vehicle lift. Motion passed unanimously, 4-0. Town Administrator O’Mara pointed out that not using the fund income is ignoring the will of the donor.

6.3. DPW Bid, Library Roof Replacement – Taken Up Earlier

6.4. Matrix/DPW Recommendations

Administrator O'Mara said that he and Bruce Berry and Selectmen Tom Grella and Nate Jensen have been trying to get their schedules aligned to go over the recommendations and see which can be implemented immediately at no cost.

6.5. Board of Selectmen's Calendar

The Board packet included an annual "action items" list for the Board to review. Town Administrator O'Mara thought that the "Town Boards/Committee/Commission Appointments" to be done in April should perhaps be moved to May, and asked what the sense of the Board was on advertising board/committee/commission vacancies when member terms expire. After some discussion, the Board agreed that Chairs of the Boards, Committees, and Commissions be advised of impending term expirations and let the Select Board know whether there is continued interest in serving. Many positions are appointed by the Board of Selectmen. Selectman Lyon said he thought it might be worthwhile to advertise in the Amherst Citizen as well as on the town website. Board members were comfortable with the process. Selectman Lyon proposed citing the appropriate statute on the calendar of action items. The Board agreed to have their next meeting on May 9th; May 2nd if necessary. The Board also asked for a calendar of regularly scheduled meetings for review.

7. Approvals

7.1. Veteran's Tax Credit

Selectman Lyon moved, second by Selectman Jensen, to approve a Veteran Tax Credit in the amount of \$500 for Map 2, Lot 176-1. Motion passed unanimously, 4-0.

7.2. Disabled/Elderly/Blind Exemptions

Selectman Lyon moved, second by Selectman Jensen, to approve an Elderly Exemption in the amount of \$71,000 for Map/Lot 2-98-28. Motion passed unanimously, 4-0.

Selectman Lyon moved, second by Selectman Jensen, to approve a Blind Exemption in the amount of \$35,000 for Map/Lot 2-98-28. Motion passed unanimously, 4-0.

Selectman Lyon moved, second by Selectman Jensen, to approve a Disabled Exemption in the amount of \$61,000 for Map/Lot 2-166-13. Motion passed unanimously, 4-0.

7.3. Timber Tax Levy

Selectman Lyon moved, second by Selectman Jensen, to approve a Timber Tax Levy for property located at 50 Lyndeborough Road, Map/Lot 5-67, in the amount of \$718.88. Motion passed unanimously, 4-0.

7.4. Current Use Application, Recommendation

Selectman Lyon moved, second by Selectman Jensen, to approve a Current Use application for property located at 481 Boston Post Road, Map/Lot 2-169. Motion passed unanimously, 4-0. It was noted though the parcel is not 10 acres, and that only five acres of the 7.29 acre parcel is in use, it is allowable since the parcel is in use growing produce.

7.5. Payroll Manifest

Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Payroll Manifest in the amount of \$186,372.16 dated March 31, 2016, subject to review and audit. Motion passed unanimously, 4-0.

7.6. Accounts Payable Manifests

Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts Payable Manifest in the amount of \$33,810.17 dated April 1, 2016, subject to review and audit. (Town Clerk transfers to the State of NH). Motion passed unanimously, 4-0.

Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts Payable Manifest in the amount of \$300,809.59 dated April 5, 2016, subject to review and audit. Motion passed unanimously, 4-0.

Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts Payable Manifest in the amount of \$12,290.43 dated April 6, 2016, subject to review and audit. Motion passed unanimously, 4-0.

7.7. Previous Meeting Minutes – March 28, 2016

Selectman Jensen moved, second by Vice Chairman Panasiti, to approve the Board of Selectmen meeting minutes of March 28, 2016, as presented. Motion passed unanimously, 4-0.

8. New/Old Business

Selectman Lyon attended the Planning Board meeting and Conservation Commission meeting. The Board discussed the process for selection of a Director of Community Development and Assistant Public Works Director. Town Administrator O'Mara said the composition of the Selection Committee should include two Board members. The Selection Committee will then recommend the top candidates for appointment. The Board agreed to interview the top two or three candidates for the Community Development Directorship and the 1st choice candidate for the Assistant Public Works Director position. Administrator O'Mara will establish Selection Committees and move the process along. Selectman Lyon and Vice Chairman Panasiti (?) will serve on the Community Development Selection Committee. Selectmen Jensen and Grella will serve on the DPW Selection Committee.

Selectman Jensen went through pending items from this meeting:

- ☐ To date expenditures for the Finance Software
- ☐ Cite statutes on the "action items" list
- ☐ Review upcoming BOS meeting dates through year end.

9. Non-Public Session

Pursuant to NH RSA 91-A:2, II (a), Selectman Jensen moved, second by Vice Chairman Panasiti to enter into non-public session at 8:35 p.m. Roll Call: Brew-yes; Jensen-yes; Lyon-yes; Panasiti-yes. Vote was unanimous, 4-0.

NEXT MEETING: May 9, 2016

Selectman Nate Jensen
Clerk, Board of Selectmen

Date